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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 29th November, 1985:—

BILL No. XXIII OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 311.

2. In article 311 of the Constitution,—

(*i*) in clause (*2*) the second proviso shall be omitted; and

(*ii*) clause (*3*) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Citizens of the country, particularly the Central and the State Government employees and their family members, are perturbed over a recent judgement of the Supreme Court in which it has been held that a Government employee, in certain circumstances, can be dismissed summarily without an inquiry in which he has been informed of the charges against him and without giving him a reasonable opportunity of being heard in respect of those charges.

In accordance with the principles of natural justice and equity, however, it is obligatory that no punishment should be awarded to anybody *ex-parte*. This obligation is the hallmark of natural justice and as such it is beyond one's comprehension that Government employees should be treated otherwise. Right of self-defence is a must in any democracy.

In view of the relevant constitutional provisions as they stand after this decision of the Supreme Court, it has become, necessary that steps be taken to safeguard the interests and security of service of the employees so as to save them from the fear of victimisation and sense of insecurity.

That it is to prevent such an eventuality that this amendment is being moved.

The Bill seeks to achieve the aforesaid object.

SATYA PRAKASH MALAVIYA.

SUDARSHAN AGARWAL,
Secretary-General.

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(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The Commission may, within the respective limits of the khadi budget, the village industries budget and the general and miscellaneous budget, sanction any reappropriation from one head of expenditure to another or from a provision made for one scheme to that in respect of another, but subject to the proviso to sub-section (*1*) of section 18, in no case shall a reappropriation of fund be made from one budget to any of the other two budgets:

Provided that no reappropriation from the head "Loan" to any other head of expenditure and *vice versa* in any of the budgets shall be sanctioned by the Commission, except with the previous approval of the Central Government.";

(*c*) in sub-section (*4*), for the words "either budget", the words "the budget" shall be substituted.

7. In section 26 of the principal Act, sub-section (*3*) shall be omitted. **Amendment of section 26.**

8. In the principal Act, after section 27, the following section shall be inserted, namely:— **Insertion of new section 28.**

"28. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.". **Rules and regulations to be laid before Parliament.**

STATEMENT OF OBJECTS AND REASONS

According to the proviso to sub-section (2) of section 14 of the Khadi and Village Industries Commission Act, 1956, no person whose honorarium or maximum salary exceeds rupees five hundred per month can be appointed by the Commission except with the previous approval of the Central Government. This has resulted in considerable administrative delays in matters relating to appointments to posts carrying maximum honorarium or maximum salary of more than rupees five hundred per month. It is, therefore, proposed to omit the proviso.

2. Section 18 of the Act provides for two separate funds of the Commission to be called the khadi fund and the village industries fund. Under this section, receipts in respect of khadi have to be credited to the khadi fund and receipts in respect of village industries have to be credited to the village industries fund. Miscellaneous grants and receipts received by the Commission for research and development, setting up of training institutions under TRYSEM, etc., relate to both khadi and village industries and it is difficult to bifurcate such amounts. It is accordingly proposed to provide for the creation of a third fund called the general and miscellaneous fund.

3. The present opportunity is being availed of to include in the Act a provision for laying of the regulations under the Act before each House of Parliament.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 26th November, 1985.

M. ARUNACHALAM.

SUDARSHAN AGARWAL,
Secretary-General.

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